

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 CHRISTOPHER EDWARD MILOR,

9 Plaintiff,

10 v.

11 NANCY A. BERRYHILL,

12 Defendant.

Case No. C12-0933JLR

ORDER ON PLAINTIFF'S
MOTION FOR EAJA FEES

13 This matter is before the court on Plaintiff Christopher Edward Milor's motion for
14 attorneys' fees and expenses pursuant to the Equal Access to Justice Act ("EAJA"), 28
15 U.S.C. § 2412. (Mot. (Dkt. # 30).) Defendant Nancy A. Berryhill (the "Commissioner")
16 has responded with no objection to the amounts sought by Mr. Milor, except as to
17 estimated expenses of \$12.00. (Resp. (Dkt. # 31).) The court GRANTS the motion,
18 minus the challenged \$12.00.

19 The court has discretion to grant or deny a request for attorneys' fees and costs
20 pursuant to the EAJA. *Pierce v. Underwood*, 487 U.S. 552, 562-63 (1988). The EAJA
21 authorizes payment of attorneys' fees to a prevailing party in an action against the United
22 States, unless the court finds that the government's position on the merits in the litigation
23

1 was “substantially justified.” 28 U.S.C. § 2412(d)(1)(A). The Commissioner does not
2 contest that Mr. Milor is the prevailing party or argue that its position was substantially
3 justified. (*See Resp. at 1.*)

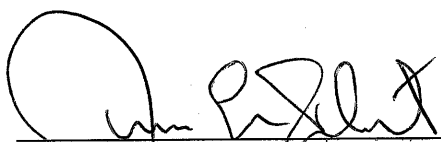
4 Once the court determines that the plaintiff is entitled to attorneys’ fees, it must
5 then assess whether the fees and expenses sought are reasonable. *See Comm’r, I.N.S. v.*
6 *Jean*, 496 U.S. 154, 161 (1990). Mr. Milor has itemized his time and costs here,
7 including the filing fee of \$350.00 and attorneys’ fees of \$1,564.01. (*See Mot. at 12-15.*)
8 The Commissioner has stated no objection to these amounts. (*See Resp. at 1.*)

9 Mr. Milor also sought “approximately \$12.00 for certified mail service of the
10 summons/complaint on [the Commissioner].” (*Mot. at 1.*) The Commissioner objected
11 to this amount as not adequately supported. (*Resp. at 1-2.*) Mr. Milor informed the court
12 that he will not dispute the \$12.00 amount, and therefore the court will not include it in
13 its award.
14

15 Accordingly, it is hereby ordered:

- 16 1. Mr. Milor’s motion (Dkt. # 30) is GRANTED.
- 17 2. Mr. Milor is awarded attorneys’ fees and expenses pursuant to the EAJA in
18 the total amount of \$1,914.01.
- 19 3. Subject to any offset allowed under the Treasury Offset Program, as
20 discussed in *Astrue v. Ratliff*, 560 U.S. 586 (2010), payment of this award shall be made
21 payable directly to the attorney for Mr. Milor, Harvey Grad, and can be mailed to Mr.
22 Grad, 1218 Third Avenue, Suite 1000, Seattle, WA 98101.
23

1 DATED this RD 3 day of August, 2018.

2 
3 JAMES L. ROBART
4 United States District Judge
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23